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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,436	09/15/2003	Rodney G. Johnson	PA0891.AP.US	1571
7590 Mark A. Litman & Associated, P.A. York Business Center Suite 205 3209 West 76th Street Edina, MN 55435			EXAMINER BEAUCHAINE, MARK J	
			ART UNIT 3653	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/23/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	10/663,436	JOHNSON, RODNEY G.
	Examiner Mark J. Beauchaine	Art Unit 3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 November 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 20,21,25-31 and 34-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 20,21,25-31 and 34-36 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 September 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. 09/380,943.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 34 is objected to because of the following informality:

Said claim fails to comply with M.P.E.P. 608.01(m) which requires that each claim "ends with a period."

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20, 21, 25-31 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Number 5,989,122 by Roblejo ("Roblejo") in view of Patent Number 6,149,154 by Grauzer et al ("Grauzer") in view of Patent Number 4,339,134 by Macheel ("Macheel"). The card shuffler 10 for use on a playing table disclosed by Roblejo has card holding/infeed area 12, card collecting/discharge area 21 and card shuffler/randomization area 13 (see Figure 1) being capable of moving cards between the card holding area and the card collecting area to form a shuffled set of cards in the card collecting area (see column 2, lines 45-52; column 3, lines 50-61; column 4, lines 60-67; column 5, lines 16-26; and column 6, lines 26-29). Roblejo further discloses card

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sensor/reading mechanism 14 reading the suit and rank of each card individually as said cards pass between said card holding and collecting areas (see column 2, lines 37 and 38; column 3, lines 13-39; column 4, lines 50 and 51; and column 5, lines 1-3). Still further, Roblejo discloses card transfer mechanism/first card feeder 17 that moves cards from the card holding area to the card randomization area, second card feeder 20 that transfers cards from the shuffling mechanism to the discharge area, and microprocessor/computer 11 programmed to control operation of the card shuffler and to determine whether cards have been removed or added to cards inserted into the card holding area that have been retrieved from the playing table (see column 2, lines 22-27 and 46-63; column 3, lines 33-39; column 4, lines 8-14; and column 5, lines 16-26).

Roblejo fails to disclose sensor/reading mechanism 14 being located between said card holding and card collecting areas. Grauzer teaches a card shuffler having card sensor 176 located between card holding area 60 and card collecting area 36 for the purpose of identifying cards being processed by the shuffler. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the card sensor configuration of Grauzer into the card shuffler of Roblejo for the purpose of detecting cards being processed by the shuffler.

Roblejo further discloses a display to indicate the presence of an incorrect set of cards in the shuffler, *i.e.*, the detection of a missing or over supplied card (see column 4, lines 8-14; and column 27-33). Roblejo fails to disclose a display that displays the suit and rank of a card read by said sensor/reading mechanism. Macheel teaches a card shuffler having illuminated displays 18 and 20 that display the suit and rank of a card for

the purpose of notifying an operator of the identity of a particular card being processed by the shuffler. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the suit and rank display of Macheel into the card shuffler of Roblejo for the purpose of notifying an operator of the identity of a particular card being processed by the shuffler.

Response to Arguments

Applicant's arguments filed 11/8/06 have been fully considered but they are not persuasive. Regarding the Applicant's argument that Roblejo fails to disclose a visual display of a card suit and rank (page 10, line 2 through page 12, line 6) and that it would have been obvious of one or ordinary skill in the art at the time of the invention to incorporate the card suit and rank display of Macheel into the shuffler of Roblejo (page 12 lines 11-24), Roblejo specifically discloses the reading of each cards identity (column 3, lines 24-26), the receipt of card indicia by the controller/computer (column 3, lines 50-54), and generating a visual signal resulting from the determination of a missing or oversupplied card (column 3, lines 57-59; and column 4, lines 8-14). Roblejo further discloses comparing the identity of an individual card to a list of cards (column 3, lines 50-61). Still further, Macheel teaches displays that clearly indicate specific cards by suit and rank (column 1, lines 55-59; and column 3, lines 10-18).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark J. Beauchaine whose telephone number is (571)272-6934. The examiner can normally be reached on 8:00AM through 5:00PM Mondays through Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571)272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mjb



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